

Message Text

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TO AMEMBASSY MANILA IMMEDIATE
INFO WHITE HOUSE IMMEDIATE

C O N F I D E N T I A L STATE 283136

EXDIS; FOR AMBASSADOR FROM HOLBROOKE; WH FOR BRZEZINSKI

C O R R E C T E D C O P Y (ADDEED ADDRESSEE)

E.O. 11652: GDS

TAGS: 9 #7.

SUBJECT: HUMAN RIGHTS

1. I AM SURE THAT YOU WILL FIND A MEANS OF HANDLING HUMAN RIGHTS ISSUE WITH MARCOS AS EFFECTIVELY AS YOU DID WITH THE INDONESIANS, AND YOU ARE FULLY FAMILIAR WITH THE POSITION OF THE ADMINISTRATION, THE ATTITUDES OF CONGRESS AND THE IMPORTANCE IT HAS FOR LONG-TERM RELATIONS BETWEEN THE GOP AND THE U.S. THE ANNOUNCEMENT OF AQUINO'S SENTENCING TO DEATH BY FIRING SQUAD AND PRESS REPORTS OF TORTURE OF THE HEAD OF THE COMMUNIST PARTY--COMING AFTER ERRONEOUS PRESS REPORTS OF A NEW BASE AGREEMENT--WILL HAVE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 283136

A DEVASTATING EFFECT HERE. THIS MAKES IT STILL MORE IMPERATIVE THAT YOU HAVE A LONG TALK WITH MARCOS ON THE ENTIRE ISSUE AS SOON AS YOU CAN CONVENIENTLY ARRANGE IT. YOU SHOULD MAKE CLEAR THAT YOU ARE SPEAKING FOR THE HIGHEST LEVELS OF THE ADMINISTRATION, INCLUDING THE PRESIDENT, THE SECRETARY, AND HOLBROOKE.

2. IN TALKING TO HIM ABOUT AQUINO, YOU ALREADY HAVE MY THOUGHTS (WITH WHICH PATT DERIAN CONCURS). THERE IS ONE POINT THAT YOU COULD USEFULLY ADD; NAMELY THE SERIOUS MISUNDERSTANDING AND DAMAGE CAUSED TO THE IMAGE OF THE GOP BY THE PRESS ANNOUNCEMENT THAT AQUINO HAS BEEN SENTENCED TO DEATH BY THE FIRING SQUAD. THE ANNOUNCEMENT DID NOT PROVIDE ANY INDICATION THAT THE SENTENCE WILL BE APPEALED TO THE SUPREME COURT AND THAT THERE REMAINS THE POSSIBILITY OF THE SENTENCE BEING COMMUTED. MARCOS NEEDS TO FIND A MEANS TO CORRECT THIS MISIMPRESSION BEFORE REACTION HERE GETS OUT OF CONTROL. YOU CAN REMIND MARCOS THAT HE TOLD HOLBROOKE IN APRIL THAT AQUINO COULD LEAVE THE PHILIPPINES IF HE REALLY RECEIVED AN INVITATION FROM HARVARD, A DIFF HE WAS "NOT LIONIZED BY U.S. OFFICIALS." THE FIRST CONDITION HAS BEEN MET, ON THE SECOND HE HAS OUR ASSURANCE FOR THE EXECUTIVE BRANCH, ALTHOUGH WE CANNOT CONTROL CONGRESS OR THE PRESS. BUT IT IS CERTAIN, YOU MAY TELL MARCOS, THAT AQUINO IN BONIFACIO JAIL WILL HARM OUR MUTUAL OBJECTIVES VIS-A-VIS THE BASES FOR MORE THAN AQUINO IN HARVARD YARD. AND, WITH TODAY'S DEVELOPMENTS, SPEED BECOMES ESSENTIAL.

3. ANOTHER SPECIFIC CASE WHICH WE THINK YOU SHOULD RAISE IS THAT OF FATHER REUTER AND OTHER CATHOLIC CLERGY RECENTLY CHARGED WITH SUBVERSION FOR PUBLICATION OF CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 283136

CHURCH NEWSLETTER. WE DO NOT UNDERSTAND WHY ACTION IS NOW BEING TAKEN AGAINST THESE PEOPLE TEN MONTHS AFTER NEWSLETTER CEASED PUBLICATION. YOU SHOULD STATE THAT, IN GENERAL, GOP ACTIONS AGAINST CATHOLIC CLERGY ARE NOT UNDERSTOOD BY AMERICANS AND RAISE FUNDAMENTAL QUESTIONS HERE ABOUT FREEDOM OF RELIGION. THIS PARTICULAR CASE ALSO RAISES QUESTIONS OF FREEDOM OF SPEECH BY CHURCH AND TREATMENT OF U.S. CITIZENS. FOR THESE REASONS, THE REUTER CASE HAS RECEIVED WIDE ATTENTION BY THE PRESS AND CONGRESS.

4. MORE SERIOUS OVER THE LONG TERM IS FACT THAT DESPITE MARCOS' CONSISTENT DISCLAIMERS, REPORTS CONTINUE TO BE RECEIVED OF TORTURE OR DISAPPEARANCE OF PRISONERS. YOU SHOULD TAKE LINE THAT WE DO NOT QUESTION MARCOS' GOOD FAITH IN REJECTING TORTURE AS AN INSTRUMENT OF NATIONAL POLICY, BUT IT APPEARS THAT HIS WISHES IN THIS REGARD ARE NOT BEING CARRIED OUT IN LOWER ECHELONS OF SECURITY SERVICES. OUR SOURCES GO FAR BEYOND AMNESTY INTERNATIONAL ON THIS DIFFICULT MATTER. POLITICAL BELIEFS OR ACTIONS OF INDIVIDUAL ARE NO JUSTIFICATION, IN VIEW OF U.S.G. AND WORLD COMMUNITY, FOR USE OF TORTURE.

WE URGE MARCOS TO ASSERT HIS AUTHORITY TO BRING TORTURE TO AN END ONCE AND FOR ALL. YOU SHOULD ADD THAT WE ARE HIGHLY DISTURBED BY INCREASING NUMBER OF REPORTS BEING RECEIVED ABOUT "DISAPPEARANCES", I.E., PEOPLE PICKED UP BY SECURITY SERVICES, USUALLY WITHOUT BEING CHARGED,

WHO HAVE NOT BEEN HEARD OF AGAIN AND CANNOT BE LOCATED. THIS TREND HAS ALREADY COME TO NOTICE OF INTERESTED

CONGRESSMEN. IF PATTERNS OF TORTURE AND DISAPPEARANCE CONTINUE, IT COULD ONLY RESULT IN SERIOUS DAMAGE TO U.S.-PHILIPPINE RELATIONS.

5. IN DISCUSSING TORTURE AND DISAPPEARANCE, MARCOS WILL
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 283136

ALMOST CERTAINLY CLAIM THAT REPORTS ARE WITHOUT FOUNDATION. YOU SHOULD REAFFIRM OUR DESIRE TO WORK AS CLOSELY AS POSSIBLE WITH GOP TO ASSESS ACCURACY OF REPORTS WHICH COULD BECOME AN IRRITANT. YOU MIGHT WISH TO SUGGEST THAT MARCOS DESIGNATE SOMEONE (SUCH AS GENERAL VU) WITH WHOM WE COULD CHECK REPORTS OF SPECIFIC CASES. I LEAVE IT TO YOUR JUDGMENT AS TO WHETHER OR NOT TO IDENTIFY TO MARCOS REPORTS OF SPECIFIC CASES WHICH WE BELIEVE TO BE CORRECT.

6. YOU SHOULD ALSO CALL TO MARCOS' ATTENTION RECENT U.S. LEGISLATION (COPIES BEING POUCHED), WHICH CITES ARBITRARY DETENTION AS ONE OF FACTORS SPECIFICALLY CONSTITUTING "CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS". AS SUCH, IT CAN BE GROUNDS THAT WOULD REQUIRE BY LAW U.S. OPPOSITION TO OR ABSTENTION ON LOANS TO A COUNTRY THROUGH INTERNATIONAL FINANCIAL INSTITUTIONS (E.G., IBRD, ASIAN DEVELOPMENT BANK) AND AUTOMATICALLY WEIGHS HEAVILY IN CONSIDERATION BY CONGRESS AND ADMINISTRATION OF LEVELS OF MILITARY AND ECONOMIC ASSISTANCE (INCLUDING P.L.-480). THREE ADB LOANS FOR PHILIPPINES CURRENTLY UNDER CONSIDERATION ARE CASE IN POINT.

7. OBVIOUSLY, YOU WILL NEED TO FIND THE MOST EFFECTIVE MEANS OF PRESENTING MARCOS WITH SUCH A BITTER BILL OF GOODS. WE NEED TO BE CAREFUL NOT TO GIVE HIM THE IMPRESSION THAT WE ARE UNAWARE OF THE ACTIONS HE HAS TAKEN OR STATED HIS INTENTION OF TAKING (E.G. ELIMINATION OF CURFEW, LIFTING OF TRAVEL BAN, TRANSFER OF JURISDICTION OVER DETAINEES TO CIVILIAN COURTS, RELEASE OF A NUMBER OF DETAINEES, POSSIBILITY OF LEGISLATIVE ELECTIONS BY END OF 1978), AND YOU MIGHT WISH TO RAISE
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PAGE 05 STATE 283136

THESE AT THE OUTSET AS MATTERS WHICH WE APPLAUD. VANCE

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